

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Fred Finkelman, et al. : Paper No:  
 Serial No. 09/231,760 : Group Art Unit: 1641  
 Filed: October 6, 1998 : Examiner: G. Gabel  
 For: METHODS FOR MEASURING IN VIVO CYTOKINE PRODUCTION

**AMENDMENT TRANSMITTAL**

Box Non-Fee Amendment  
 The Assistant Commissioner For Patents  
 Washington, D.C. 20231

**26874**

PATENT TRADEMARK OFFICE

Dear Sir:

Transmitted herewith is an amendment for the above-captioned application.

Applicant is a

☒ Small Entity

☐ Large Entity

The proceedings herein are for a patent application and the provisions of 37 C.F.R. §1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. §1.136 (fees: 37 C.F.R. §1.17(a)(1)-(4)) for the total number of months checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> two months	390.00	195.00
<input type="checkbox"/> three months	890.00	445.00
<input type="checkbox"/> four months	1,390.00	695.00
		<b><u>Fee: \$ 195.00</u></b>

If an additional extension of time is required, please consider this a petition therefor.

- ☐ An extension for \_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

- (b) ☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for petition for extension of time.

### FEE FOR CLAIMS

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate Small Entity		Rate Large Entity	Add'l Fee
Total *		Minus **		=	X 9.00	\$	X 18.00	\$
Indep. *		Minus ***		=	X 40.00	\$	X 80.00	\$
<input type="checkbox"/> First Presentation of Multiple Dependant Claim					X 135.00	\$	+270.00	\$
					Total Addt'l. Fee	\$	Total Addt'l. Fee	\$

\* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.

\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".

\*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".

If the "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of the prior amendment or the number of claims originally filed.

(complete (c) or (d) as required)

- (c) ☒ No additional fee for claims is required.

- (d) ☐ Total additional fee for claims required \$\_\_\_\_\_

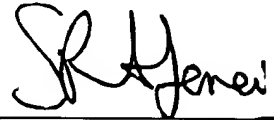
### FEE PAYMENT

- ☐ Attached is a check in the sum of \$\_\_\_\_\_ covering the total additional fee for claims required.
- ☐ Please charge Frost Brown Todd LLC Account No. 06-2226 for the total fee due.

☒ The Assistant Commissioner for Patents is authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

FRED FINKELMAN, ET AL.

By   
Stephen R. Albainy-Jenei  
Registration No. 41,487  
Attorney for Applicants  
FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202  
(513) 651-6839

"Express Mail"

Mailing Number: EK652697331US

Date of Deposit: February 13, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office in Addressee" service under 37 CFR 1.10 and is addressed to The Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Kelly Kuhl

Print Name

  
Signature

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicant: Finkelman et al. : Paper No: 91830/625  
Serial No. 09/167,088 : Group Art Unit: 1641  
Filed: October 6, 1998 : Examiner: G. Gabel  
For: METHODS FOR MEASURING IN VIVO CYTOKINE PRODUCTION

**AMENDMENT AND RESPONSE**

**Box Non-Fee Amendment**  
The Assistant Commissioner For Patents  
Washington, D.C. 20231

Dear Sir:

This communication embodies the discussions in the telephonic interview on December 11, 2000, with the Examiner, Ms. Gabel in response to an Office Action mailed on September 13, 2000. The present amendments and declaration are those that the Examiner has indicated would address the issues raised by the application. Applicant respectfully requests that the Examiner enter the following amendments to the claims without prejudice and consider the following remarks that support allowance of the claims.

**Amendments**

Please rewrite Claim 1.

1. (Thrice Amended) A method of measuring the production of a secreted target analyte of interest in a human or animal, comprising the steps of: